

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

Floyd Noel

Civil Action 06-0237

versus

Section P

Burl Cain, Warden

Judge Tucker L. Melançon

Magistrate Judge Hill


ORDER

An Application for Certificate of Appealability [Rec. Doc. 16] having been filed in the above captioned habeas corpus case in which the detention complained of arises out of process issued by a state court, this Court, considering the record in this case and the requirements of Federal Rule of Appellate Procedure 22(b), hereby finds that a certificate of appealability should not issue for the following reasons:

Adopting the analysis contained in the Report and Recommendation of the Magistrate Judge issued on November 27, 2006 [Rec. Doc. 13], this Court finds that there is no basis in law or fact as demonstrated by this record that petitioner is entitled to the relief he seeks. Accordingly,

IT IS ORDERED that petitioner's Application for Certificate of Appealability [Rec. Doc. 16] is DENIED.

THUS DONE AND SIGNED in Lafayette, Louisiana, on this 6th day of February, 2007.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE